



# भारत का राजपत्र

## The Gazette of India



असाधारण  
EXTRAORDINARY

भाग II—खण्ड 2  
PART II—Section 2

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं. 17]

नई दिल्ली, शुक्रवार, मार्च 23, 1984/चैत्र 3, 1905

No. 17]

NEW DELHI, FRIDAY, MARCH 23, 1984/CHAITRA 3, 1905

इस भाग में भिन्न पृष्ठ संलग्न ही जाती है जिससे कि यह अलग संकलन  
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed  
as a separate compilation

### LOK SABHA

The following Bills were introduced in Lok Sabha on the 23rd March 1984:—

BILL No 2 of 1984

*A bill further to amend the Constitution of India.*

Be it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1984.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Article 130 of the Constitution shall be re-numbered as clause (1) thereof and after clause (1) as so re-numbered, the following clause shall be inserted, namely:—

“(2) Notwithstanding the provisions of clause (1), a Bench of the Supreme Court shall be appointed to sit in Bangalore, with jurisdiction over Andhra Pradesh, Karnataka, Kerala, Tamil Nadu and the Union territories of Pondicherry and Lakshadweep.”.

Short title,  
extent and  
commencement.

Amend-  
ment of  
article 130.

## STATEMENT OF OBJECTS AND REASONS

At present, the seat of the Supreme Court is located at Delhi and litigant public from the Southern States have to undergo considerable inconvenience and incur heavy expenditure in coming to Delhi in connection with their cases. Setting up of a Bench of the Supreme Court at Bangalore will considerably mitigate their sufferings.

Hence this Bill.

NEW DELHI;  
*December 19, 1983.*

K. LAKKAPPA

## FINANCIAL MEMORANDUM

The Bill when enacted will enable the Government to set up a Bench of the Supreme Court at Bangalore. While the Judges of the Bench are borne on the strength of the Supreme Court, the functioning of the Bench at Bangalore will involve the acquisition of court buildings, residential quarters for the Judges and setting up of an office with the required equipment. All this will involve a recurring expenditure of about fifty lakhs of rupees from the Consolidated Fund of India.

A non-recurring expenditure of about two crores of rupees is also likely to be incurred to acquire the necessary buildings and to set up the office (Clause 2).

## BILL No. 12 OF 1984.

*A bill further to amend the Land Acquisition Act, 1894.*

Be it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

1 of 1984.

1. (1) This Act may be called the Land Acquisition (Amendment) Act, 1984. Short title, extent and commencement.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) It shall come into force at once.
2. In section 11 of the Land Acquisition Act, 1984 (hereinafter referred to as the principal Act), for the words, figures and brackets “at the date of the publication of the notification under section 4, sub-section (1)”, the words “at the date of the acquisition” shall be substituted. Amendment of section 11.
3. After section 15 of the principal Act, the following new section shall be inserted, namely:— Insertion of new section 15A.

“15A. Whenever bulk acquisition of land involves displacement of one hundred or more families, it shall be the responsibility of the requiring authority to provide for the rehabilitation of these displaced persons in a manner to be prescribed by rules.”. Rehabilitation of displaced persons.
4. In section 23 of the principal Act, in sub-section (1), for the words, figures and brackets “at the date of the publication of the notification under section 4, sub-section (1)”, the words “at the date of the acquisition” shall be substituted. Amendment of section 23.

## STATEMENT OF OBJECTS AND REASONS

Section 23 of the Land Acquisition Act, 1894, enjoins that in determining the amount of compensation for land to be acquired under the Act, the Court shall take into account the market value of land on the date of publication of notification under section 4 of the Act. When the intervening period between the date of notification and the date of acquisition is long, the owner is entitled to a compensation which is wholly insufficient to buy an equivalent area of land with similar advantages. Our aim should be to pay a fair and reasonable price for land to be acquired. To pay a price much below the market price prevailing on the date of acquisition is undoubtedly unfair and unreasonable. The Law Commission has also recommended that as far as possible everyone who is deprived of his property by compulsory acquisition should be awarded a compensation so as to place him in substantially the same position in which he was before the acquisition. Again, when the land is acquired in bulk, large number of families are left displaced and put to hardship. It should be the responsibility of the requiring authority to arrange for the rehabilitation of such displaced persons.

Hence the Bill.

NEW DELHI;

MADHU DANDAVATE

February 8, 1984.

## FINANCIAL MEMORANDUM

Clauses 2 and 4 of the Bill provide for payment of compensation to persons, whose land has been acquired, at the rates prevailing on the date of actual acquisition of such land. Clause 3 of the Bill provides for rehabilitation of persons who have been displaced in case of bulk acquisition of land. The Bill, if enacted, will no doubt involve expenditure from the Consolidated Fund of India, but an estimate of such expenditure cannot be given at present. The expenditure will depend on several factors such as the number and the magnitude of projects, etc., which may have to be taken up for public purposes and for which land may have to be acquired in various measures. This factor cannot be determined now.

**BILL No. 15 OF 1984**

*A bill to provide for the prevention of hoarding of and profiteering in essential commodities of daily use.*

Be it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Hoarding and Profiteering Prevention Act, 1984.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

(4) It shall, in the first instance, apply to the articles specified in the First Schedule.

2. In this Act, unless the context otherwise requires,—

(a) "Dealer" means any person carrying on the business of selling any scheduled article, and includes a producer, importer, wholesaler or retailer;

Short title,  
extent,  
commencement and application.

Definitions.

(b) "hoarding" means accumulating goods or stocks meant for sale with a view to cornering them so as to raise their prices by creating a short supply or by bringing them for sale at prices which are not competitive;

(c) "importer" means any person who brings any scheduled article into the State where he carries on his business from any place outside the State for the purpose of sale in the State;

(d) "profiteering", with its grammatical variations and cognate expressions, means the sale by a dealer of any scheduled article at a price or rate higher than that fixed under section 3;

(e) "retailer" means a person who sells any scheduled article to a consumer not being a dealer;

(f) "scheduled article" means an article specified in the First Schedule; and

(g) "wholesaler" means a dealer who sells any scheduled article to any other dealer, and includes a broker, commission agent or any other agent having authority to sell any scheduled article belonging to his principal.

**Fixation of maximum prices or rates for scheduled articles.**

3. (1) The Central Government may, by order notified in the official Gazette, fix in respect of any scheduled article the maximum price or rate which may be charged by a dealer or the maximum price which is to be paid by a purchaser.

(2) Any order made under sub-section (1) may fix the maximum prices or rates or the maximum price to be paid by the purchaser for the same description of scheduled articles differently in different localities or for different classes of dealers.

**Penalty for profiteering and hoarding.**

4. (1) Any dealer who profiteers in any scheduled article shall be punishable with rigorous imprisonment which may extend to five years or with fine amounting to not less than five thousand rupees or with both, and the scheduled article in respect of which the offence has been committed or such part thereof as the court may deem fit shall be forfeited to the Government.

(2) Any person found deliberately hoarding any scheduled article or commodity required for the daily life of the people, shall be punished with rigorous imprisonment which may extend to five years or with fine amounting to not less than five thousand rupees or with both.

**Penalty for refusal to sell and purchases at fixed price.**

5. (1) Any dealer who, without reasonable excuse,—

(a) refuses to sell any scheduled article, or

(b) refuses to sell any scheduled article at the price or rate fixed in respect thereof under section 3, shall be punishable with rigorous imprisonment which may extend to five years or with fine amounting to not less than five thousand rupees or with both.

*Explanation.*—The possibility or expectation of obtaining a higher price for a scheduled article at a later date shall not be deemed to be a reasonable excuse for the purposes of this section.

(2) Any purchaser who purchases any scheduled article at a price more than the maximum price fixed thereof under section 3 shall be

punishable with rigorous imprisonment which may extend to five years or with fine amounting to not less than five thousand rupees or with both.

6. (1) Every dealer shall, on requisition by an officer duly authorised in this behalf by the Central Government by order notified in the official Gazette, submit to him in the form specified in the Second Schedule by such date and relating to such period as may be mentioned in the requisition, returns of stocks of any scheduled article acquired, held or sold by him.

(2) Every dealer, unless exempted by an order made in this behalf, shall—

(a) keep in the form specified in the Third Schedule a true account of any scheduled article acquired, held or sold by him after the commencement of this Act;

(b) display in his place of business in a prominent manner so as to be open to public view, a list of the scheduled articles intended for sale the prices or rates of which have been fixed under section 3 in respect of such dealer, with the prices or rates, so fixed in respect thereof;

(c) furnish to any officer referred to in sub-section (1) of this section, or any police officer referred to in sub-section (2) of section 8, any information in respect of the acquisition or sale by him of any scheduled article mentioned in clause (b);

(d) make available to any officer mentioned in clause (c) for his inspection such accounts, registers, vouchers or other documents relating to the import, production, purchase or sale of any scheduled article mentioned in clause (b) or matters connected therewith as may be required by him.

7. When any police officer not below the rank of a Sub-Inspector of Police has reasonable grounds for believing that there has been a contravention of any of the provisions of this Act, such officer may, after recording in writing the grounds of his belief, at all reasonable hours enter and search any place where a dealer keeps, or is for the time being keeping, any scheduled article, accounts, registers, vouchers or other documents referred to in clause (d) of sub-section (2) of section 6 and, if necessary, inspect, seize or retain all or any of them for so long as they may be required for any investigation into any offence under this Act.

Power to search and seize.

8 (1) All offences punishable under this Act shall be cognizable.

Cognizance of offence and arrest without warrant.

(2) Any Police Officer not below the rank of Sub-Inspector of Police may arrest without warrant any person against whom a reasonable complaint has been made or credible information has been received of his having been concerned in any of the offences punishable under this Act.

9. No suit, prosecution or other legal proceeding shall lie against any public servant for anything which is in good faith done or intended to be done under this Act or any order made thereunder.

Indemnity

Power to  
add to  
the First  
Schedule.

Effect of  
orders  
inconsis-  
tent with  
the Essen-  
tial Com-  
modities  
Act, 1955  
or orders  
there-  
under:

10. The Central Government may, by order notified in the Official Gazette, add to the First Schedule any other article of daily use, and thereupon that schedule shall be deemed to have been amended accordingly and the article so added shall be deemed to be a scheduled article within the meaning of this Act.

11. If any order controlling the price of any essential commodity within the meaning of the Essential Commodities Act, 1955, has been made before the commencement of this Act or is made after such commencement and such essential commodity is a scheduled article within the meaning of this Act, that order shall have effect notwithstanding anything inconsistent therewith contained in this Act or any order made thereunder.

10 of 1955.

## THE FIRST SCHEDULE

(See section 1, section 2(f) and section 10)

1. Rice and rice in the husk
2. Wheat and wheat products
3. Pulses
4. Spices
5. Edible oil
6. Sugar.
7. Baby food
8. Paper
9. Drugs and medicines
10. Skimmed milk powder
11. Kerosene

## THE SECOND SCHEDULE

[See section 6(1)]

Form of Return of Stocks for the period from \_\_\_\_\_  
to \_\_\_\_\_.

Name of dealer \_\_\_\_\_, whether producer, importer,  
wholesaler or retailer.

Address of place of business \_\_\_\_\_

Description of scheduled article	Stocks held at the beginning of the period	Stocks subse- quently acquired with date and price of acquisi- tion and names and addresses of persons from whom acquired	Stocks sold dur- ing the period together with the date of sale, the sale price and the names and addresses of per- sons to whom sold (except in the case of sale by retailers).	Stocks held at the end of the period (except in the case of retailers)
1	2	3	4	5

## THE THIRD SCHEDULE

[See section 6(2) (a)]

## FORM OF ACCOUNTS OF STOCKS

Name of dealer \_\_\_\_\_, whether producer, importer, wholesaler or retailer.

Address of place of business \_\_\_\_\_

Description of Scheduled article	Stocks held when Act comes into force	Stocks subsequently acquired with date and price of acquisition and names and addresses of persons from whom acquired	Stocks sold together with the date of sale, the sale price and the names & addresses of persons to whom sold (except in the case of sale by retailers)	Stocks held at the end of each day (except the case of sale by retailers.)
1	2	3	4	5

## STATEMENT OF OBJECTS AND REASONS

Cases of hoarding and profiteering in food grains, medical supplies and several other commodities essential to the daily life of the people have become common, but there being no deterrent punishment under a specified Act for these offences, these cases have gone on increasing at the hands of anti-social elements. It is felt that a severally deterrent punishment should be prescribed for these offences. This Bill seeks to make provision accordingly.

NEW DELHI;  
*February 8, 1984.*

MADHU DANDAVATE

## BILL No. 13 OF 1984.

*A Bill to make provision for the appointment and functions of an authority named Lokpal for the investigation of administrative acts in certain cases and for matters connected therewith.*

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

## CHAPTER I

## PRELIMINARY

Short  
title,  
extent  
and com-  
menc-  
ment.

Defini-  
tions.

1. (1) This Act may be called the Lokpal Act, 1984.  
(2) It extends to the whole of India.  
(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. In this Act, unless the context otherwise requires,—
  - (a) "action" includes failure to act;
  - (b) "Minister" means a person appointed to be a member of the Council of Ministers whether of the Union or of a State and by

whatever name called and includes the Prime Minister and the Chief Minister of a State;

(c) "Secretary" means a person appointed to be a Secretary to the Government of India or a State Government.

## CHAPTER II

### THE LOKPAL

3. (1) The President shall, on the advice of the Prime Minister, appoint a person to be known as the Lokpal for exercising the powers and performing the functions assigned to the Lokpal under this Act.

Appoint-  
ment of  
Lokpal.

(2) The Prime Minister shall tender the advice to the President referred to in sub-section (1), after consultation with the Chief Justice of India and the Leader of the Opposition in the Lok Sabha, or if there be no such leader, a person elected for the purpose of this sub-section, by the members of the Opposition in the Lok Sabha, in such manner as the Speaker may direct.

(3) Before he enters upon his office, the person appointed as Lokpal shall,—

(a) if he be a Member of Parliament or of the Legislature of any State, resign his membership of Parliament or of the Legislature, as the case may be;

(b) if he be the holder of any office of profit, resign from such office;

(c) if he be connected with any business, sever his connection with that business;

(d) if he be connected with any political party, sever his connection with that party.

4. (1) Every person appointed as Lokpal shall hold office for a term of five years from the date on which he enters upon his office but shall be eligible for re-appointment for one more term.

Condi-  
tions of  
service.

(2) Notwithstanding anything contained in sub-section (1), the Lokpal may,—

(a) by writing under his hand addressed to the President, resign his office at any time;

(b) be removed from his office in accordance with the provisions of sub-section (3)

(3) The Lokpal shall not be removed from his office except by an order of the President passed after an address by each House of Parliament supported by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting has been presented to the President in the same session for such removal on the ground of proved misbehaviour or incapacity.

(4) The law passed by Parliament for regulating the procedure for the presentation of an address and for the investigation and proof of the misbehaviour or incapacity of a Judge under clause (5) of article 124 of the Constitution shall also apply *mutatis mutandis* to the Lokpal.

(5) On ceasing to hold office, the Lokpal shall be ineligible for further employment either under the Government of India or under the Government of a State or in any Government Undertaking.

**(6) The Lokpal shall be entitled to the same status, salary and allowances and conditions of service as the Chief Justice of India.**

Oath by  
Lokpal.

5. Every person appointed as Lokpal shall, before he enters upon his office, make and subscribe before the authority prescribed by the President in that behalf, an oath or affirmation according to the form set out hereunder:—

“I, A.B. having been appointed Lokpal do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established and I will duly and faithfully and to the best of my ability, knowledge and judgment perform the duties of my office without fear or favour, affection or illwill.”

**6. (1) The Lokpal may appoint such officers and employees as may be necessary for the efficient discharge of his functions under this Act:**

Provided that the category of officers and employees and the number thereof that may be appointed under this section shall from time to time be fixed with the approval of the President.

(2) The salaries of persons appointed under this section and their conditions of service shall be such as are approved by the President.

Appoint-  
ment of  
officers  
and  
staff.

### CHAPTER III

#### FUNCTIONS AND POWERS OF THE LOKPAL

Matters  
subject  
to his  
investi-  
gation.

7. (1) Subject to the provisions of this Act, the Lokpal may investigate any action taken by or with the approval of a Minister or Secretary, being action taken in the exercise of his administrative functions, in any case where—

(a) a written complaint is duly made to the Lokpal by a person who claims to have sustained injustice in consequence of maladministration in connection with such action or who affirms that such action has resulted in favour being unduly shown to any person or in accrual of personal benefit or gain to the Minister or to the Secretary, as the case may be, or

(b) information has come to his knowledge otherwise than on a complaint under clause (a) that such action is of the nature mentioned in that clause.

(2) Except as hereinafter provided, the Lokpal shall not conduct an investigation under this Act in respect of any of the following matters:—

(a) any action in respect of which the person aggrieved has or had a right of appeal, reference or review to or before a tribunal duly constituted by or under any enactment;

(b) any action in respect of which the person aggrieved has or had a remedy by way of proceedings in any court of law:

Provided that the Lokpal may conduct an investigation notwithstanding that the person aggrieved has or had a remedy by way of proceedings in a court of law if he is satisfied that in the particular circumstances it is not reasonable to expect him to take or to have taken such proceedings.

(3) A complaint shall not be entertained under this Act unless it is made not later than twelve months from the date on which action complained against took place.

(4) The Lokpal may in his discretion refuse to investigate or may cease to investigate an administrative action if he is satisfied that—

(a) a remedy for the injustice alleged to have been caused thereby exists and he is of the opinion that the complainant should seek his remedy accordingly, or

(b) the complaint against the action is trivial, frivolous, or is not made in good faith, or

(c) there are no sufficient grounds for proceeding with his investigations.

(5) In any case where the Lokpal decides that he will not investigate or that he will cease to investigate an administrative action complained of or that the complainant should seek his remedy elsewhere, he shall inform the complainant accordingly.

(6) Without prejudice to sub-section (2) of this section, the Lokpal shall not conduct an investigation under this Act in respect of any of the following matters:—

(a) action taken in a matter certified by a Union Minister as affecting the relations or dealings between the Government of India and any foreign Government or any international organisation of States or Governments;

(b) action taken under the Extradition Act, 1962 or the Foreigners Act, 1946;

34 of  
1962.  
31 of  
1946.

(c) action taken for the purpose of investigating crime or protecting the security of the State including action taken with respect to passports;

(d) action taken in the exercise of power in relation to determining whether a matter shall go to a court or not;

(e) action taken in matters which arise out of the terms of contract governing purely commercial relations of the administration with customers or suppliers, except where the complainant alleges harassment or gross delay in meeting contractual obligations;

(f) action taken in respect of appointment, removals, pay, discipline, superannuation or other personnel matters;

(g) grant of honours and awards;

(h) a decision made in exercise of his functions by an administrative authority unless the elements involved in the exercise of

discretion are absent to such an extent that no discretion has been exercised at all.

Procedure in respect of investigations.

8. (1) Where the Lokpal proposes to conduct an investigation under this Act, he shall afford the Minister or Secretary concerned an opportunity to comment on any allegations of maladministration made against such Minister or Secretary.

(2) Every such investigation shall be conducted in private and the procedure for conducting an investigation shall be such as the Lokpal considers appropriate in the circumstances of the case.

Evidence.

9. (1) Subject to the provision of this section, for the purposes of investigation under this Act, the Lokpal may require any Minister or officer or any other person who in his opinion is able to furnish information or produce documents relevant to the investigation to furnish any such information or produce any such document.

(2) For the purpose of any such investigation the Lokpal shall have all the powers of a civil court while trying the suit under the Code of Civil Procedure, 1908 in respect of the following matters:—

5 of 1908.

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) discovery and production of documents;
- (c) receiving evidence on affidavits;
- (d) receiving any public record or copy thereof from any office.

(3) Subject to the provisions of sub-section (4) of this section, no obligation to maintain secrecy or other restriction upon the disclosure of information obtained by or furnished to Government or persons in Government service, whether imposed by any enactment or by any rule of law, shall apply to the disclosure of information for the purposes of investigation under this Act.

(4) No person shall be required or authorised by virtue of this Act to furnish any information or answer any question or produce any document:—

(a) which might prejudice the security or defence or international relations of India (including India's relations with the Government of any other country or with any international organisation), or the investigation or detection of crime, or

(b) which might involve disclosure of proceedings of the Cabinet or any committee of the Cabinet:

Provided that for the purposes of this sub-section a certificate issued by the Secretary of the Cabinet of the Central Government or the Chief Secretary of the State concerned with the approval of the Prime Minister or the Chief Minister of the State, as the case may be, certifying that any information, question or document is of such a nature shall be conclusive.

(5) For the purpose of enforcing the attendance of the witnesses the legal limits of the Lokpal's jurisdiction shall be the limit of the territory of India.

(6) Subject to the provisions of sub-section (3) of this section, no person shall be compelled for the purposes of investigation under this Act, to give any evidence or produce any documents which he could not be compelled to give or produce in proceedings before a court.

10. (1) If any person without lawful excuse obstructs the Lokpal in the performance of his functions under this Act or is guilty of any act or omission in relation to an investigation under this Act which, if that investigation were a proceeding before a court, would constitute contempt of court, the Lokpal may certify the offence to the Supreme Court and for this purpose if in connection with a complaint made under clause (a) of sub-section (1) of section 7, a person wilfully makes a false statement before the Lokpal he shall be deemed to be guilty of an act constituting the contempt of court.

Obstruction and contempt.

(2) Where an offence is certified under this section, the Supreme Court may inquire into the matter and dispose it of as if it related to a charge of contempt of the Supreme Court itself.

11. (1) After taking into consideration the comments of the Minister or the Secretary, as the case may be, the Lokpal may decide not to proceed further with the investigation in which case he will inform the complainant accordingly.

Reports by the Lokpal.

(2) In any case where the Lokpal decides further to conduct an investigation under this Act, he shall send an intimation of the same to the Minister or the Secretary concerned and the complainant.

(3) If after conducting an investigation under this Act, it appears to the Lokpal that injustice has been caused to the person aggrieved in consequence of maladministration, he shall inform the Minister or Secretary concerned, as the case may be, and require that it be remedied within such period as he may in his discretion and having regard to the circumstances of the case deem sufficient.

(4) If the injustice is not remedied or the Lokpal considers that it may not be remedied he may bring the matter to the notice of the Prime Minister or the Chief Minister of the State, as the case may be, who will intimate to the Lokpal the action taken in the matter within a period of two months.

(5) If the Lokpal is satisfied with the action taken, he shall close the case, but where he is not so satisfied and he considers that the case so deserves, he may make a special report upon the case to the Lok Sabha or the Legislative Assembly of the State concerned, as the case may be.

(6) If as a result of his investigation the Lokpal comes to the conclusion that the administrative action of a Minister or a Secretary has resulted in a favour being unduly shown to any person or in the accrual of a personal benefit or gain to the Minister or the Secretary, as the case may be, he shall communicate his conclusion alongwith the material on the basis of which he has arrived at the conclusion to the Prime Minister or the Chief Minister concerned and the Prime Minister or the Chief Minister shall thereupon take such action as is considered necessary on the report and inform the Lokpal within two months of the receipt thereof of the action taken or proposed to be taken thereon.

(7) The Lokpal shall lay before the Parliament or the legislature of the State concerned annual reports on the performance of his functions under this Act.

Lokpal  
and his  
staff to  
be sub-  
ject to  
the  
Indian  
Officials  
Secrets  
Act,  
1923.

12. (1) It is hereby declared that the Lokpal, his officers and other employees are subject to the provisions of the Indian Official Secrets Act, 1923.

19 of 1923.

(2) Information obtained by the Lokpal or his officers, in the course of or for purposes of investigation under this Act, shall not be disclosed except—

(a) for purposes of the investigation and for any report to be made thereon under this Act;

(b) for purposes of any proceedings for an offence under the Indian Official Secrets Act, 1923 or an offence of perjury or for purposes of any proceedings under section 10 of this Act.

19 of 1923.

(3) The Lokpal and his officers shall not be called upon to give any evidence in any proceedings (other than such proceedings as aforesaid) of matters coming to his or their knowledge in the course of an investigation under this Act.

(4) A Minister may give notice in writing to the Lokpal with respect to any documents or information specified in the notice or any class of documents so specified that in the opinion of the Minister the disclosure of the documents or information or documents or information of that class would be contrary to the public interest and where such a notice is given, nothing in this Act shall be construed as authorising or requiring the Lokpal or any officer of the Lokpal to communicate to any person any document or information specified in the notice or any document or information of a class so specified.

(5) No person shall publish any proceedings relating to an investigation which is pending before the Lokpal; nor shall any person publish such proceedings after the investigation is completed unless prior permission for the publication is obtained from the Lokpal.

(6) Any person committing a breach of sub-section (5) of this section shall be treated as having committed contempt for the purposes of section 10 and on any such contempt being certified by the Lokpal, the Supreme Court shall deal with it as if it were a case of contempt before that court.

(7) Nothing in sub-section (5) and (6) shall apply to the publication of any report sent by the Lokpal to complainant or to the Lok Sabha or to the legislature of a State, as the case may be.

13. No suit, prosecution or other proceeding shall lie against the Lokpal or any of his officers in respect of anything which is in good faith done or intended to be done under this Act.

Protec-  
tion of  
action  
taken  
in good  
faith.

## STATEMENT OF OBJECTS AND REASONS

Corruption with its cancerous growth has been corroding the national fibre. This problem has been agitating the mind of the people. To have an institution on the basis of Ombudsman where corruption charges against Ministers and high officials could be dealt with is very necessary. The Administrative Reforms Commission has recommended the appointment of Lokpal. He will be appointed by the President on the advice of the Prime Minister who shall tender such advice after consultation with the Chief Justice of India and the Leader of the Opposition in Lok Sabha. He will be independent of executive and will be insulated against any political or administrative pressure. He will not be removable from office except in the manner prescribed in the Constitution for the removal from office of a judge of the Supreme Court. The institution of Lokpal will go a long way in eradicating corruption.

The recommendations of the Administrative Reforms Commission on this subject have been pending consideration of the Government of India since 20th October, 1966. No action has so far been taken by the Government in this regard.

Hence this Bill.

NEW DELHI;  
*February 8, 1984.*

MADHU DANDAVATE

## FINANCIAL MEMORANDUM

Clauses 3, 4 and 6 of the Bill, relating to salary and allowances of the Lokpal, his officers and other staff, when enacted would involve expenditure from the Consolidated Fund of India. The initial expenditure of the Central Government will be Rs. 30 lakhs. The annual recurring expenditure will be about Rs. 10 lakhs.

**Bill No. 18 of 1984**

*A Bill further to amend the Reserve Bank of India Act, 1934 and the Banking Regulation Act, 1949.*

Be it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

**CHAPTER I**

**Short title.** 1. This Act may be called the Banking Laws (Amendment) Act, 1984.

**CHAPTER II****AMENDMENTS TO THE RESERVE BANK OF INDIA ACT, 1934.**

**Amend-  
ment of  
section 2.** 2. In section 2 of the Reserve Bank of India Act, 1934 (hereinafter referred to as the principal Act), after clause (i), the following clause shall be inserted, namely:—

‘(j) “salary earners’ co-operative credit society” shall have the meaning assigned to it in section 5 of the Banking Regulation Act, 1949.’

2 of 1934.  
10 of 1949.

3. In section 45H of the principal Act, after the words "a primary credit society", the words "or a salary earners' co-operative credit society" shall be inserted.

Amend-  
ment of  
section  
45H.

### CHAPTER III

#### AMENDMENTS TO THE BANKING REGULATION ACT, 1949.

10 of 1949. 4. In section 3 of the Banking Regulation Act, 1949 (hereinafter referred to as the principal Act), after clause (b), the following clause shall be inserted, namely:—

Amend-  
ment of  
section 3.

"(bb) a salary earners' co-operative credit society;".

5. In section 5 of the principal Act, after clause (da), the following clause shall be inserted, namely:—

Amend-  
ment of  
section 5.

'(db) "salary earners' co-operative credit society" means a co-operative society,—

(i) the primary object or principal business of which is the transaction of banking business;

(ii) the membership (excluding nominal/associate membership) of which is limited to the salary earners of a particular organisation or trade; and

(iii) the bye-laws of which do not permit admission of any other co-operative society as a member;'.

## STATEMENT OF OBJECTS AND REASONS

The employees' co-operative credit societies, serving the poor middle class people for nearly half a century by providing them with cheap and easy credit for social needs and protecting them from the clutches of the usurers, have always stood on their own feet without any outside help or Government backing. These societies are procuring capital from their members and non-members who are very closely related to members and intimately known to one another. A bulk of the deposit comes from such non-members.

The Banking Regulation Act, 1949, coming into force from 1st March, 1966, in terms of the Banking Laws (Application to Co-operative Societies) Act, 1965 has given a death blow to such societies. According to this Act, all credit societies having share-capital and reserve fund of rupees one lakh and over and accepting deposits from non-members have become co-operative banks and have to fulfil various provisions similar to those applicable to big commercial banks. Amongst others, the vital provisions are to keep cash reserve and liquid cover of 28 per cent. of the total deposits and submission of periodical returns requiring expert knowledge which can only be done at the cost of increased expenditure on establishment head by 20 per cent. The societies can neither keep 28 per cent. of their borrowed capital blocked without earning interest nor can they refund their entire non-members' deposits to get declared as non-banking institution, as both processes will lead to total stoppage of their business for want of funds.

The West Bengal State Legislature amended in 1966 the State Co-operative Societies Act, so as to accommodate the non-members deposits through nominal/associate membership thereby treating their deposits as member deposits. Many other State Legislatures had passed similar laws long back as they considered such deposits indispensable for running the societies.

The Reserve Bank of India which has the authority to enforce the Banking Regulation Act, 1949, originally agreed to the above position but subsequently backed out and is not agreeing to acknowledge the deposits of the nominal/associate members as members deposits.

The object of the Bill is to remove the difficulties experienced by the employees' co-operative credit societies by amending the Reserve Bank of India Act, 1934 and the Banking Regulation Act, 1949, so that the provisions of these Acts will not apply to these societies.

NEW DELHI;  
February 8, 1984.

MADHU DANDAVATE

## BILL NO. 25 OF 1984

*A Bill to eradicate the malpractice of political defections..*

WHEREAS the obnoxious politics of defections has vitiated the entire political atmosphere in the country;

AND WHEREAS under article 102(1)(e) and article 191(1)(e) of the Constitution of India Parliament is competent to create additional disqualifications for being a member of either House of Parliament or the Legislature of a State;

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Anti-Defection Act, 1984.

(2) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

(a) “defection”: A Member of Parliament or Legislature of a State shall be deemed to have defected if, after having been set up

Short title and commencement.

Definitions.

as a candidate by a party, he has been returned to Parliament or the Legislature of a State and has thereafter:—

(i) by writing informed the President of the Party that he has either resigned or ceased to be a member of that Party; or

(ii) if he votes or abstains from voting in Parliament or the Legislature of a State contrary to the directions issued by the Party or the person authorised by it in this behalf without obtaining prior permission of such a Party, person or authority;

(b) "Party" means a Party, whether a national Party or a State Party, whether recognised or unrecognised, registered with the Election Commission of India under paragraph 3 of the Election Symbols (Reservation and Allotment) Order, 1968;

(c) "President" shall mean the person discharging the functions of the Head of the Party;

(d) "tribunal" means a tribunal comprising one or more persons to adjudge defections in accordance with section 3.

Every party to provide for the creation of a tribunal.

Tribunal to adjudge defection.

Member to resign his seat.

Disqualification for membership.

Decision on question of disqualification.

Bar on contesting elections.

3. Every Party shall, as a condition of its registration under the Election Symbols (Reservation and Allotment) Order, 1968, make provision in its Constitution for the creation of a tribunal to adjudge defections.

4. Whenever the question arises whether a member of Parliament or the Legislature of a State, elected on the symbol of a party has defected, the tribunal shall, after hearing all persons concerned, adjudge whether the member has so defected.

5. If the Tribunal has come to the conclusion that the member has defected, it shall call upon the member, within a time to be fixed by it, to resign his seat in accordance with article 101(3) (b) or article 190(3) (b) of the Constitution of India, as the case may be.

6. Failure to comply with the direction of the tribunal under section 5 shall disqualify the member from continuing to be a member of either House of Parliament or the Legislature of the State, as the case may be, of which he had been elected a member.

7. If the member concerned or any other person interested in the matter raises the question whether the member has become subject to the said disqualification, the question shall be decided in accordance with article 103 or article 192 of the Constitution of India, as the case may be.

8. If the tribunal comes to the conclusion that the member has defected, he shall be debarred from contesting any election to the Houses of Parliament or the Legislature of a State for a period of six years from the date the tribunal adjudges him to have so defected.

## STATEMENT OF OBJECTS AND REASONS

The politics of defections has assumed abnoxiously dangerous proportions and, therefore, it has become a great threat to the proper functioning of our democratic system.

The Bill seeks to respond to the aspirations of an overwhelming majority of our people. The object can be achieved by creating additional disqualifications for membership by a simple but comprehensive Act of Parliament.

Hence this Bill.

NEW DELHI;  
*February 15, 1984.*

SAIF-UD-DIN SOZ

## BILL NO. 4 OF 1984

*A Bill further to amend the Constitution of India.*

Be it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

Short  
title  
and  
commen-  
cement.

1. (1) This Act may be called the Constitution (Amendment) Act, 1984.

(2) It shall come into force at once.

Amend-  
ment of  
article 51.

2. In article 51 of the Constitution, after clause (d), the following clause shall be inserted, namely:—

“(e) collaborate with other nations and international organisations for the early formation of a World Constituent Assembly to draft the Constitution for setting up a World Federal Democratic Government aiming at completely outlawing weapons of mass destruction and creating a World Disarmament Agency and adopting further steps for establishment of world peace and economic order and thus ushering in oneness of mankind.”

## STATEMENT OF OBJECTS AND REASONS

The concept of World Federal Government is a fascinating idea. Eminent publicists and statesmen of the world (including philosophers, sages and saints) from times immemorial have been thinking of a world order which could provide the basis for a civilised existence for the mankind. To them, the establishment of such a world order was the only panacea for ending the maladies of hunger, ignorance, poverty, exploitation, inequality, injustice and the mad race for production of weapons of mass destruction which have been let loose by the ugly forces of aggrandisement and lust for power on the part of greedy powers. The race for world dominance has brought the world on the brink of destruction. The world stands divided with ideologies and their expansion of influence. The armament race is the inevitable effect of this phenomenon and huge stocks of nuclear weapons have been piled up which are sufficient to destroy this planet several times over.

The time is, therefore, opportune, nay ripe, for all good men and good governments of the world to get together and make earnest efforts for convening a World Constituent Assembly as a preparatory step towards the establishment of a Parliament of Man and Federation of the World. War cannot be abolished, nor can a warm living peace descend on earth, unless such a world order based on World Law is firmly founded.

Hence this Bill.

NEW DELHI;  
December 20, 1983.

RATANSINH RAJDA.

SUBHASH C. KASHYAP,  
Secretary-General.

